

TO ALL COUNSEL:

PROCEDURE FOR CIVIL PRE-TRIAL MOTIONS (LOCAL RULE 7)
AND CONSENTS

Please note that a memorandum of law shall accompany all motions (unless excepted by the Rule). After all briefs are filed, it is incumbent upon counsel for the moving party to confer with opposing counsel and advise this office by letter when ruling or determination by submission is desired. See Local Rule 26 for discovery motion procedures. Unless otherwise directed by the Judge, all discovery issues shall be directed to the Magistrate Judge assigned to the civil action.

Where consent to trial by a Magistrate Judge is agreed upon, it should be filed with the clerk prior to a request for a ruling or a hearing upon any dispositive pre-trial motion.

Requests for ruling or determination without oral argument are to be addressed in writing to the Civil Section of the Clerk's Office, U.S. District Court, Room 193B, 600 Granby Street, Norfolk, Virginia 23510, with copies to all parties.

Request for oral argument should be communicated promptly by counsel to Elva Evans, the Judges' courtroom deputy, at (757) 222-7228 and thereafter be confirmed in writing to the court and all parties by the requesting party.

The motions described on the reverse of this notice are automatically referred to a judge for decision promptly after receipt of the rebuttal brief (absent a prior request for hearing).

ALL COURT PAPERS are to be filed only with the clerk. Unless specifically directed otherwise, no pleadings, briefs or correspondence may be filed with or mailed to the judge.

**Henry Coke Morgan, Jr.
United States Senior District Judge**

**PRE-TRIAL MOTIONS TO BE DETERMINED
WITHOUT ORAL ARGUMENT**

I. GENERAL

A. The following motions are automatically referred by the civil section to a Judge for decision, unless a request for oral argument accompanies the motion or responsive brief:

- 1. For a change of venue to another court or divisional office of this court;**
- 2. To stay and/or for arbitration;**
- 3. To remand to state court;**
- 4. To join necessary party(ies). Rule 19, FRCP.**
- 5. Rule 12 motions to dismiss for:**
 - a. Insufficiency of process of service (motion to quash);**
 - b. For failure to state a claim upon which relief may be granted;**
 - c. More definite statement;**
 - d. Lack of jurisdiction.**

B. Motions are referred for decision without oral argument, notwithstanding a request for same, when:

- 1. Directed by the initial pretrial order;**
- 2. Directed by the Judge; or**
- 3. Requested by all parties.**